

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Coleman et al.

Serial No.: 09/821,877

Filed: March 30, 2001

For: A HEPATITIS B VIRUS SURFACE
ANTIGEN MUTANT AND METHODS FOR
DETECTION THEREOF

Case No.: 6794.US.01

Examiner: Bao Q. Li

Group Art Unit: 1648

CERTIFICATE OF ELECTRONIC FILING:

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being electronically filed with the United States Patent and Trademark Office on the date shown below:

Date of Deposit: *5/30/06*

Kimberly A. Iorio

Kimberly A. Iorio

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Communication is in response to the Notice of Non-Compliant Amendment of January 11, 2006.

On September 22, 2005, an Amendment and accompanying documents were faxed to Examiner Scheiner which listed the serial number of the present, parent case (i.e., **U.S. Patent Appln. No. 09/821,877**) instead of the serial number of the proper divisional application (i.e., **U.S. Patent Appln. No. 10/847,493**). The Amendment and accompanying documents were faxed in response to an outstanding Office Action in the divisional case dated March 23, 2005.

Upon recognition of the inadvertent serial number error, on September 23, 2005, a facsimile was sent to Examiner Scheiner, which stated the following:

“Please note that the attached documents should replace documents faxed yesterday which incorrectly named parent application number 09/921,877. Please replace these documents with those submitted yesterday.”

However, instead of the documents being taken out of the parent file and matched with the divisional application, the documents must have been matched with the parent application, as Examiner Li issued a Notice of Non-Compliant Amendment dated January 11, 2006 in U.S. Application No. 09/821,877 which states the following:

“The timely submission under 37 CFR 1.129(a) filed on September 22, 2005 is not fully responsive to the prior Office Action because it canceled all elected claims and amended claims 3, 11 and 16 that were all Non-elected claims. Moreover, the response did not answer all the rejections made in the previous Office Action mailed on 9/29/2003.”

On January 27, 2006, my assistant, Ms. Kimberly Iorio, called Examiner Li and left a message indicating the above error (i.e., that an Office Action has been issued in connection with the wrong application). On January 31, 2006, Examiner Li returned Ms. Iorio's call and indicated that it would be necessary to describe all of the facts in a written document, further indicate in the written document that the Amendment must be removed

from the parent file and list all claims (and status thereof) in connection with the parent application. In view of these instructions, the following is respectfully requested:

The Amendment dated September 22, 2006 (and accompanying documents) be removed from the file of U.S. Patent Application No. 09/821,877, and that the Examiner continue to examine this case and issue a response in connection with the Amendment filed on April 15, 2004. (A Petition to Review was filed with the Amendment on April 15, 2004, and on May 3, 2004, the Patent Office sent a communication indicating that the Petition had been granted.)